

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10539- RGS

CURTIS MITCHELL

v.

TIMOTHY HALL

ORDER ON APPLICATION
FOR A CERTIFICATE OF APPEALABILITY

January 6, 2005

STEARNS, D.J.

Having reviewed yet again the Report and Recommendation adopted by this court on November 30, 2004, I remain convinced that petitioner has failed to make a substantial showing of a denial of a constitutional right. Consequently, the Application for a Certificate of Appealability is DENIED.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE